

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

[PROPOSED] ORDER AND JUDGMENT

Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. (“Respondents”), having moved this Court pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 202 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 10 *et seq.*, for an Order (i) vacating, under the Court’s primary jurisdiction, an interim measures arbitration award (the “Interim Award”) issued on January 24, 2024 by the arbitrator presiding over an arbitration proceeding between Respondents and Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (collectively, “Petitioners”), entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001, (ii) staying the confirmation and enforcement of the Interim Award pending this Court’s resolution of a related action commenced by Respondents, entitled *Mullen Technologies, Inc. v. GEM Global Yield LLC SCS, et al.*, No. 1:23-cv-11268-KPF (S.D.N.Y.) (the “Related Action”), and (iii) granting such other and further relief as the Court deems just and proper; and Respondents having duly come to be heard before this Court; and upon this Court’s due consideration of Respondents’ Cross-Motion to Vacate Interim

Measures Arbitration Award and to Stay Application to Confirm, dated March 1, 2024, the accompanying Memorandum of Law in Opposition to Petitioners' Application to Confirm Interim Measures Arbitration Award and in Support of Respondents' Cross-Motion to Vacate Interim Measures Arbitration Award and to Stay Application to Confirm, dated March 1, 2024, the Declaration of David K. Momborquette and the exhibits attached thereto, and the Declaration of Jonathan New, it is hereby:

ORDERED that Petitioners' Application to Confirm and Enter Judgment on Interim Measures Arbitration Award is stayed pending this Court's resolution of the Related Action, or in the alternative, it is

ORDERED that the Interim Award is vacated.

Dated: _____, 2024

SO ORDERED:

United States District Court Judge